

Remarks

Claims 63 and 64 were previously pending in the application. In the present response, no claims have been canceled and no new claims have been added. Accordingly, after entry of the response Claims 63 and 63 will be pending. Reconsideration is respectfully requested based on the following remarks.

Claim Rejection 35 U.S.C. §102

Claims 63 & 64 were rejected under 35 U.S.C. §102(e) as being anticipated by Kenner et al. (U.S. 6,502,125), herein referred to as Kenner.

In a telephone interview with the Examiner on 29 April 2010, amendments to the claims regarding layer 3 routing, quality of service, and trace routing were discussed. In an Interview Summary dated May 5, 2010, the Examiner stated that the proposed claim amendments would overcome the 35 U.S.C. §102 rejection.

The amendments regarding quality of service and trace routing were made to Claims 63 and 64. No amendment regarding layer 3 routing was made. Applicant believes that these amendments place the claims in condition for allowance.

More particularly, it is respectfully submitted that the Kenner reference neither discloses nor makes obvious either the claimed use of trace routing or the claimed use of quality of service. Although the Kenner reference does refer to trace routing, such reference is with respect to a process to "correlate test data" (col. 11, lines 28-29), rather than to "map trace routes between the management center, the one node, and the client," as claimed.

Further, although the Kenner reference does refer to quality of service, such reference is with respect to ascertaining and documenting quality of service (col. 16, lines 14-20), rather than to "downgrade lower priority clients from a higher quality of service network link to a less

optimal network link when a higher priority client requests use of the higher quality of service network link," as claimed.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e).

Conclusion

In view of the remarks set forth above, it is submitted that the application is now in condition for allowance. Authorization is given to charge any fees due or credit any overpayments in regard to this communication to deposit account 08-1394. If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 202-3000 is welcomed and encouraged.

Certification of Electronic Transmission

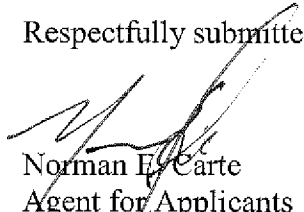
I hereby certify that this paper is being electronically transmitted to the U.S. Patent and Trademark Office on the date shown below.


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June 1, 2010

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Respectfully submitted,


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